

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Christian Broadcasting Corporation)	File No. EB-00-OR-117
WBOK (AM))	NAL/Acct. No. 200132620002
New Orleans, Louisiana)	

NOTICE OF APPARENT LIABILITY FOR FORFEITURE

Released: January 3, 2001

By the Enforcement Bureau, New Orleans Field Office:

I. INTRODUCTION

1. In this Notice of Apparent Liability for Forfeiture, we find that Christian Broadcasting Corporation ("Christian Broadcasting"), licensee of AM broadcast station WBOK, has apparently violated sections 1.89(b) and 17.4(a) of the Commission's Rules ("Rules") by failing to respond to Commission correspondence and for failing to register its antenna structure.¹ We conclude that Christian Broadcasting is apparently liable for a forfeiture in the amount of fourteen thousand dollars (\$14,000).

II. BACKGROUND

2. On July 7, 2000, an agent of the Commission's New Orleans Field Office ("Field Office") inspected the antenna structure of radio station WBOK. This structure is greater than 200 feet in height and is painted and lighted in accordance with the Rules. During the inspection, the agent determined that there was no antenna structure registration number displayed near the base of the structure, and a search of the Commission's records revealed no indication that this structure had been registered. On July 11, 2000, a Notice of Violation ("NOV") was mailed to Christian Broadcasting citing these deficiencies. No reply to this notice was received. On July 31, 2000, a letter was sent by Certified Mail, Return Receipt Requested to Christian Broadcasting. This correspondence stated that no reply had been received to the NOV issued on July 11, 2000, and included a copy of this NOV. Additionally, the letter cautioned the licensee concerning failure to reply to Commission correspondence. A signed Certified Mail Receipt evidenced delivery of this letter. No reply to this correspondence or the original NOV has been received.

¹ 47 C.F.R. §§ 1.89(b) and 17.4(a)

III. DISCUSSION

3. Section 1.89(b) of the Rules requires licensees to respond in writing within ten days from receipt of a notice from the Commission.²

4. Section 17.4(a) of the Rules requires existing antenna structures that were assigned painting or lighting requirements prior to July 1, 1996, be registered with the Commission prior to July 1, 1998.³ The antenna structure of station WBOK is governed under this section.

5. Christian Broadcasting is the licensee of station WBOK licensed to New Orleans, Louisiana. Commission records indicate that the owner of Christian Broadcasting is Bishop L. E. Willis, Sr. According to Commission records, Bishop L. E. Willis, Sr. is also the owner of Willis Broadcasting Corporation. Bishop L. E. Willis, Sr., through Willis Broadcasting Corporation ("Willis"), had been notified at least twice of violations regarding each of these rule sections. Willis was issued Notices of Violation for failure to register antenna structures on June 2, 1999 (KEAZ/KDLA, DeRidder, LA), and on July 20, 1999 (WJNS-FM, Yazoo City, MS). Willis was issued warnings for failure to respond to Commission Notices on April 20, 1999 (KLPL AM & FM, Lake Providence, LA), June 21, 1999 (KEAZ/KDLA DeRidder, LA), July 9, 1999 (KVLA, Vidalia, LA), and September 23, 1999 (WJNS-FM, Yazoo City, MS). In fact, no responses have been received concerning any of the 17 pieces of correspondence from the Commission associated with the inspections of these stations.

6. Based on the evidence before us, we find that on July 7, 2000, Christian Broadcasting Corporation willfully⁴ violated Sections 1.89(b) and 17.4(a) of the Rules by failing to respond to Commission correspondence and for failing to register its antenna structure.

7. Pursuant to Section 1.80 of the Rules, Guidelines for Assessing Forfeiture, the base amount for failure to respond to official Commission correspondence is \$4,000, and the base forfeiture amount for failure to register antenna structures is \$3,000 (failure to file required forms or information).⁵ The total base forfeiture for both violations is \$7,000. In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in

² 47 C.F.R. § 1.89(b)

³ 47 C.F.R. 17.4(a)

⁴ Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to Section 503(b) of the Act, provides that "[t]he term 'willful', when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act" See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387 (1991).

⁵ 47 C.F.R. § 1.80

Section 503(b)(2)(D) of the Communications Act of 1934 (“Act”), as amended, which include the nature, circumstances, extent, and gravity of the violation(s), and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.⁶ Applying Section 1.80 of the Rules and statutory factors to the instant case, an upward adjustment is warranted due to the owner’s history of non-compliance and flagrant disregard for the Commission’s rules. Therefore, we find Christian Broadcasting liable for a forfeiture in the amount of \$14,000.

IV. ORDERING CLAUSES

8. Accordingly, **IT IS ORDERED THAT**, pursuant to Section 503(b) of the Act,⁷ and Sections 0.111, 0.311 and 1.80 of the Commission's Rules,⁸ Christian Broadcasting Corporation is hereby **NOTIFIED** of their **APPARENTLY LIABLE FOR A FORFEITURE** in the amount of fourteen thousand dollars (\$14,000) for violating Sections 1.89(b) and 17.4(a) of the Commission’s Rules, 47 C.F.R. §§ 1.89(b) and 17.4(a).

9. **IT IS FURTHER ORDERED**, pursuant to Sections 1.80 of the Rules, within thirty days of the release date of this **NOTICE OF APPARENT LIABILITY**, Christian Broadcasting Corporation, **SHALL PAY** the full amount of the proposed forfeiture or **SHALL FILE** a written statement seeking reduction or cancellation of the proposed forfeiture.

10. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. 200132620002.

11. The response if any must be mailed to Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554, ATTN: Enforcement Bureau – TPSD, NAL/Acct. No. 200132620002 and must include the NAL/Acct. No. 200132620002.

12. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices; or (3) some other reliable and objective documentation that accurately

⁶ 47 U.S.C. § 503(b)(2)(D)

⁷ 47 U.S.C. § 503(b)

⁸ 47 C.F.R. §§ 0.111, 0.311, 1.80

reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

13. Requests for payment of the full amount of this Notice of Apparent Liability under an installment plan should be sent to: Chief, Credit and Debt Management Center, 445 12th Street, S.W., Washington, D.C. 20554.⁹

14. **IT IS FURTHER ORDERED THAT** a copy of this **NOTICE OF APPARENT LIABILITY** shall be sent by Certified Mail, Return Receipt Requested, to Christian Broadcasting Corporation, 645 Church Street, Suite 400, Norfolk, Virginia 23510.

FEDERAL COMMUNICATIONS COMMISSION

James C. Hawkins
District Director
New Orleans Field Office

⁹ See 47 C.F.R. § 1.1914